

June 29, 2006

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: MB Docket No. 03-15  
Alaska Broadcasting Company, Inc. (FRN 0006160915)  
Station KTVA, Anchorage, Alaska (Facility ID No. 49632)  
Request for Waiver of July 1, 2006 DTV Deadline

Dear Ms. Dortch:

This letter is submitted on behalf of Alaska Broadcasting Company, Inc. ("ABCI"), licensee of KTVA, Channel 11, and permittee of KTVA-DT, Channel 28, in Anchorage, Alaska, pursuant to the procedures established in the Commission's June 14, 2006, *Public Notice*, DA 06-1255. By this letter, ABCI requests a waiver of the July 1, 2006 "use-it-or-lose-it" deadline for building out full, authorized DTV facilities ("DTV Deadline") established in the Commission's September 7, 2004 *Report and Order* in MB Docket No. 03-15.<sup>1</sup>

**DISCUSSION**

As referenced above, the station operates in Anchorage, Alaska, which is the 155<sup>th</sup> ranked market in the U.S. KTVA-DT was assigned Channel 28 in the Table of Allotments established by the Commission in Section 73.622(b) of its rules, 47 C.F.R. § 73.622(b). ABCI was granted a construction permit for KTVA-DT in 1999.<sup>2</sup> ABCI applied for and in 2004 was granted a modification of the DTV construction permit for facilities with a maximum effective radiated power ("ERP") of 52 kW at an antenna height above average terrain ("HAAT") of 60.6 meters.<sup>3</sup> Pursuant to a grant of special temporary authority ("STA") subsequently renewed several times, KTVA-DT operates at reduced power of 14.4 kW. The initial DTV STA (BDSTA-

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<sup>1</sup> *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, FCC 04-192, 19 FCC Rcd 18279 (2004) ("Report and Order").

<sup>2</sup> See CDBS File No. BPCDT-19980209KF.

<sup>3</sup> See CDBS File No. BMPCDT-20031121ABT.

20050210AXB) was granted March 11, 2005; and a timely filed renewal (BEDSTA-20050909AGF) is still pending.<sup>4</sup>

In its FCC Form 381, DTV Pre-Election Certification, ABCI did not certify either to replicate or to maximize. Instead ABCI stated that it will operate its post-transition DTV station pursuant to the construction permit granted in 2004, BMPCDT-20031121ABT ("2004 CP"), with a maximum effective radiated power of 52 kW. Because ABCI received a tentative DTV channel designation on its current DTV channel, it is supposed to construct full, authorized facilities by July 1, 2006. As discussed below, ABCI submits that it is already in substantial compliance with this requirement pursuant to its current STA operation and would be even more so upon the Commission's grant of a pending CP modification application and ABCI's subsequent build out thereof.

Specifically, build out of the 2004 CP referenced in ABCI's FCC Form 381 would serve 296,436 persons. Licensee's current DTV STA facility at 14.4 kW ERP, which has been in operation for over a year, serves 285,403 persons or 96.3% of the 2004 CP population. This alone should be deemed in substantial compliance with ABCI's July 1, 2006 obligation, especially in consideration that in building out KTVA-DT's low power facility ABCI has spent approximately \$600,000. Since accomplishing this, ABCI has turned its efforts on developing its capabilities to deliver High Definition ("HD") programming and has spent approximately an additional \$170,000 on equipment to deliver network programming in HD. In addition, ABCI recently applied to modify the 2004 CP to change the power of its digital construction permit to 28.9 kW ERP; the proposed facility will serve 291,812 persons or 98.4% of the 2004 CP population.<sup>5</sup> Licensee submits that the proposed modification to 28.9 kW ERP also would constitute substantial compliance with the July 1, 2006 build-out requirement; this upgrade of the STA facility to 28.9 kW will cost approximately \$25,000 at the same time that build out of the 2004 CP would require the complete replacement of the station's current digital transmitter at a cost of approximately \$250,000 to \$300,000.

Upon grant of pending CP modification application BMPCDT-20060626AAJ, ABCI will complete the upgrade of the transmitter and file an application for license to cover this facility.

## CONCLUSION

For the reasons discussed above, ABCI seeks a waiver of the July 1, 2006 DTV Deadline. ABCI submits that the public interest would be served by a grant.

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<sup>4</sup> ABCI recently filed a supplement to renew the current STA beyond July 1, 2006.

<sup>5</sup> See CDBS File BMPCDT-20060626AAJ.

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Please contact ABCI's undersigned attorneys if you have any questions.

Respectfully submitted,

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/s/  
Kenneth E. Satten  
Timothy J. Cooney

cc: Shaun Maher, via e-mail